

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL B. MCPHERSON,
Plaintiff,
v.
J. GREENE, CCI, et al.,
Defendants.

No. 2:23-cv-0811 WBS KJN P

FINDINGS & RECOMMENDATIONS

By order filed June 30, 2023, plaintiff's complaint was dismissed and thirty days leave to file an amended complaint was granted. On August 8, 2023, plaintiff was granted an additional thirty days in which to file an amended complaint.¹ Thirty days from that date have now expired, and plaintiff has not filed an amended complaint or otherwise responded to the court's order.

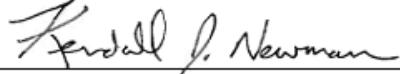
Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days

¹ The court also explained that plaintiff's requests for default and default judgment were premature because no defendant has yet been served with process. (ECF No. 18.) Despite such explanation, plaintiff continues to seek entry of default. (ECF Nos. 19, 21.) Because no operative pleading is on file and no defendant has yet been served with process, entry of default remains premature.

1 after being served with these findings and recommendations, plaintiff may file written objections
2 with the court. The document should be captioned "Objections to Magistrate Judge's Findings
3 and Recommendations." Plaintiff is advised that failure to file objections within the specified
4 time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153
5 (9th Cir. 1991).

6 Dated: September 27, 2023

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8 KENDALL J. NEWMAN
9 UNITED STATES MAGISTRATE JUDGE

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